

USDOL/OALJ Reporter

[*Helton v. Tennessee Valley Authority*, 93-ERA-48 \(Sec'y Nov. 1, 1995\)](#)
Go to: [Law Library Directory](#) | [Whistleblower Collection Directory](#) | [Search Form](#) |
[Citation Guidelines](#)

DATE: November 1, 1995
CASE NOS. 93-ERA-48

IN THE MATTER OF

WILLIAM G. HELTON,

COMPLAINANT,

v.

TENNESSEE VALLEY AUTHORITY,

RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

FINAL ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT

This case arises under the employee protection provision of the Energy Reorganization Act of 1974 (ERA), as amended, 42 U.S.C. § 5851 (1988 and Supp. IV 1992). The parties submitted a Memorandum of Understanding seeking approval of the settlement and dismissal of the complaint. The Administrative Law Judge (ALJ) issued a Recommended Order of Dismissal (R. O.) on November 5, 1993, [1] recommending that the complaint be dismissed. The request for dismissal is based on an agreement entered into by the parties, therefore, I must review it to determine whether the terms are a fair, adequate and reasonable settlement of the complaint. 42 U.S.C. § 5851(b) (2) (A) (1988). *Macktal v. Secretary of Labor*, 923 F.2d 1150, 1153-54 (5th Cir. 1991); *Thompson v. U.S. Dep't of Labor*, 885 F.2d 551, 556 (9th Cir. 1989); *Fuchko and Yunker v. Georgia Power Co.*, Case Nos. 89-ERA-9, 89-ERA-10, Sec. Order, Mar. 23, 1989, slip op. at 1-2. The agreement appears to encompass the settlement of matters arising under various laws, only one of which is the ERA. See paragraph 3. For the reasons set forth in *Poulos v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-CAA-1, Sec. Order, Nov. 2, 1987, slip op. at 2, I have limited my review of the agreement to determining whether its terms are a fair, adequate and reasonable

[PAGE 2]

settlement of the Complainant's allegations that Respondent violated the ERA.

I find that the agreement, as here construed, is a fair, adequate and reasonable settlement of the complaint. Accordingly, I APPROVE the agreement and DISMISS THE COMPLAINT WITH PREJUDICE.

SO ORDERED.

ROBERT B. REICH
Secretary of Labor

Washington, D.C.

[ENDNOTES]

[1] The ALJ's R. O. and the parties' settlement agreement were received by the Secretary on October 18, 1995.